

## **AMENDMENT TO ELEVATOR SAFETY CODE**

Effective September 12, 2006

Appendix A, titled Permits for Installation and/or Modernization, of the Elevator Safety Code was amended through an emergency rule filing on September 12, 2006 to include the following:

### **Rule 2.0 LIMITED OPERATING PERMITS FOR THE USE OF ELEVATORS DURING CONSTRUCTION**

Any person, firm or corporation who has been issued a permit by the Department of Labor and Training to install, modernize or construct an elevator pursuant to the provisions of Chapter 23-33 of the Rhode Island General Laws may apply in writing to the Director of Labor and Training or his/her designee for the issuance of a thirty (30) day Limited Operating Permit for the temporary use of an elevator during construction and prior to the issuance of a regular Certificate of Operation.

The issuance of this Limited Operating Permit is within the sole discretion of the Director of Labor and Training or his/her designee and is subject to the following conditions and restrictions:

- A) The Applicant for this permit must receive the prior written approval for the limited operation of the elevator during construction from the State Fire Marshall's office; and
- B) The Applicant must fulfill any and all conditions and requirements set forth by the State Fire Marshall's office as part of its approval for such limited elevator use during construction; and
- C) The Applicant for this permit must provide written notification of the limited operation of the elevator during construction to the United States' (Federal) OSHA office whose jurisdiction includes the State of Rhode Island, the Occupational Safety Unit of the Department of Labor and Training (if applicable), the Fire Department and Building Inspector's Office within the City or Town where the construction project is located, and the State Building Commissioner's Office (if applicable); and
- D) The use of the elevator under this Limited Operating Permit during construction shall be subject to all applicable laws of the State of Rhode Island, all Regulations and licensing requirements of the Department of Labor and Training, and all applicable Federal OSHA Standards as set forth in the Code of Federal Regulations; and
- E) The Applicant shall comply with any and all conditions and requirements set forth by the Director of Labor and Training or his/her designee as part of his/her issuance of this Limited Operating Permit for use of the elevator during construction, including but not limited to safety requirements and the limitation of

- hours of operation to a maximum of seven (7) hours of use per work shift, with total usage not to exceed twenty-one (21) hours within any twenty-four (24) hour period; and
- F) The use of the elevator under this Limited Operating Permit shall not include public use, and any operation of the elevator without the issuance of this Limited Operating Permit is restricted to the use for temporary testing purposes set forth in RI Gen. Laws §28-33-17; and
  - G) The initial Limited Operating Permit for Use During Construction is valid for thirty (30) days. The Applicant must apply for a renewal and re-inspection to extend the permit for any additional thirty (30) day periods; and
  - H) The fee for the issuance of an initial Limited Operating Permit is \$120.00, and there is a \$120.00 renewal fee for each thirty-day renewal of the permit that is issued prior to the issuance of a Certificate of Operation pursuant to RI Gen. Laws §23-33-16; and
  - I) Any violation of this regulation or of the terms and conditions of any Limited Operating Permit issued hereunder, may be addressed in the same manner as set forth in RI Gen. Laws §23-33-15 and §23-33-15.1; and
  - J) Any Applicant who is dissatisfied with any decision of the Director of Labor and Training or his/her designee regarding the issuance of a Limited Operating Permit pursuant to this regulation, may appeal said decision in the same manner as set forth in RI Gen. Laws §23-33-18.